

TRUSTEE COUNCIL RESOLUTION 04-5
AMENDED 1/31/05, 2004

**MONTROSE TRUSTEE COUNCIL RESOLUTION REGARDING
Funding for the Montrose Settlements Restoration Program:
Calendar Year 2005 Budget**

1. The National Oceanic and Atmospheric Administration; the State of California acting through the State Lands Commission, the Department of Parks & Recreation and the Department of Fish & Game; and the Department of the Interior, acting through the U.S. Fish & Wildlife Service and the U.S. Park Service are the natural resource trustees (Trustees) for natural resources injured by releases of DDT and PCBs into the Southern California Bight.
2. Sums recovered in the civil action *United States, et al. v. Montrose Chemical Corp., et al.*, No. CV 90-3122-R (C.D. Cal. 1990) are being held in the Department of the Interior Natural Resource Damage Assessment and Restoration Fund (DOI Restoration Fund) and the registry account administered by the U.S. District Court for the Central District of California.
3. The Trustees have entered into a memorandum of agreement (MOA), as modified, that establishes a Trustee Council (Montrose Trustee Council) composed of one voting member for each trustee agency. Under the terms of that MOA, the Montrose Trustee Council is authorized to disburse funds for activities related to the damage assessment and restoration process.
4. The Trustees approve planned expenditures of \$1,910,788.00 for budget year 2005, which extends from January 1, 2005 through December 31, 2005. Included in the 2005 budget are the Trustee Council operating costs; operating costs for the MSRP office in Long Beach; costs associated with the Restoration Plan development; the bird data gap studies; the fish and fishing data gap studies; and the public outreach and education activities for the year. 2005 Planned expenditures for each trustee agency are as follows:

\$764,585.00 for National Oceanic and Atmospheric Administration
\$632,852.00 for United States Fish and Wildlife Service
\$362,166.00 for National Park Service
\$93,100.00 for California Department of Fish and Game
\$29,980.00 for California State Lands Commission
\$15,920.00 for California Department of Parks and Recreation
\$12,184.00 for Department of the Interior

5. The Montrose Trustee Council resolves unanimously to authorize as advance funding for 2005 the disbursement of \$1,287,094 from the DOI Restoration Fund as follows:

\$564,493.00 to National Oceanic and Atmospheric Administration
\$294,816.00 to United States Fish and Wildlife Service
\$320,723.00 to National Park Service
\$74,081.00 to California Department of Fish and Game
\$15,077.00 to California State Lands Commission
\$5,720.00 to California Department of Parks and Recreation
\$12,184.00 to Department of the Interior

For most trustees, these disbursements reflect the planned expenditures identified in paragraph 4, less the estimated funds still remaining with each trustee agency from funding provided for 2003. The estimated funds remaining are based on cost documentation submitted by the trustee agencies and for which final acceptance by the Trustee Council is pending. Attachment A itemizes the prior expenditures and estimated funds remaining for each trustee agency, as well as 2005 planned expenditures and advance funding disbursements. Since the FWS and NPS cannot apply funds received in prior years toward new contract costs, the advance funding to be disbursed to FWS and NPS for 2005 is based on anticipated contract and other non-labor costs only. Funds previously received by FWS and NPS will be used to cover all their 2005 labor costs.

6. Each trustee agency receiving advance funding for 2005 shall submit quarterly to the program manager a summary report of estimated expenditures. These quarterly expenditure reports are for program management purposes, need not include supporting documentation, and are due on May 31, August 31, and November 30, 2005. In lieu of a fourth quarterly report after the close of the budget year, each trustee agency shall submit a full and final cost documentation package on July 31, 2006, including supporting documentation (e.g. timesheets, travel vouchers, and receipts).
7. Each trustee agency shall submit a full and final cost documentation package for the 2004 budget year on July 31, 2005. Disbursement of 2006 advance funding to each trustee agency will be contingent upon the Trustee Council's acceptance of the final annual cost documentation package submitted by each trustee agency for the 2004 budget year.
8. Funds that are not completely exhausted by the end of a budget year may be used to cover execution of the approved program element in a subsequent budget year or, with additional Trustee Council approval, applied to other Montrose Settlements Restoration Program tasks.

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- 9. This Resolution does not limit the number of additional advance funding requests that can be made during the time period required to complete restoration.
- 10. The effective date of the Resolution shall be the date on which the last trustee signs this document.

CONCURRED in by the following who are the duly authorized Montrose Trustee Council Representatives:

Jennifer Boyce
Jennifer Boyce
National Oceanic &
Atmospheric Administration

04/26/05
Date

James Haas
U.S. Fish & Wildlife Service

Date

Kate Faulkner
National Park Service

Date

Jonathan Clark
State Lands Commission

Date

Suzanne Goode
Department of Parks &
Recreation

Date

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CONCURRED in by the following who are the duly authorized Montrose Trustee Council Representatives:

Jennifer Boyce
National Oceanic &
Atmospheric Administration

Date



James Haas
U.S. Fish & Wildlife Service

Date

31 January 2005

Date

Kate Faulkner
National Park Service

Date

Jonathan Clark
State Lands Commission

Date

Suzanne Goode
Department of Parks &
Recreation

Date

Patricia Velez
Department of Fish & Game

Date

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Kate Faulkner
Kate Faulkner
National Park Service

1/26/05
Date

Jonathan Clark
State Lands Commission

Date

Suzanne Goode
Department of Parks &
Recreation

Date

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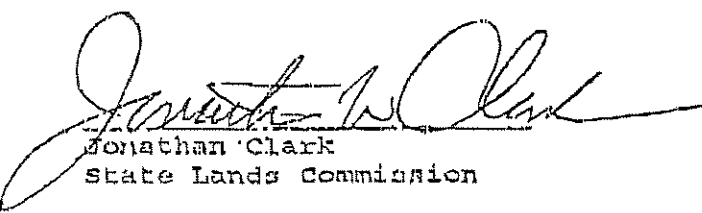
Date

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U.S. Fish & Wildlife Service

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Department of Parks &
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U.S. Fish & Wildlife Service

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National Park Service

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Jonathan Clark
State Lands Commission

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Suzanne Goode
Department of Parks &
Recreation

Date



1-28-05

ATTACHMENT A

Table 1. Estimated Funds Remaining from 2003 Budget Year

	2003 Advance Funding*	2003 Estimated Expenditures	2003 Estimated Funds Remaining
NOAA	\$780,998	\$580,906	\$200,092
FWS (including DOI)	\$860,298	\$589,272	\$271,026
NPS	\$412,547	\$376,644	\$35,903
CDFG	\$66,308	\$47,289	\$19,019
SLC	\$21,920	\$7,017	\$14,903
CDPR	\$10,200	-	\$10,200
Totals	\$2,152,271	\$1,601,127	\$551,144

* During 2003 CDFG returned \$83,000 of the advance funding originally received under TCR 02-9 to the DOI Restoration Fund; accordingly the CDFG amount and the total amount in this column have been reduced by \$83,000 from the amounts identified in TCR 02-9 to reflect this mid-year adjustment.

Table 2. 2005 Budget Year Planned Expenditures and Advance Funding Authorized

	2005 Planned Expenditures	2003 Estimated Funds Remaining	2005 Advance Funding Disbursements
NOAA	\$764,585	\$200,092	\$564,493
FWS	\$632,852	\$392,400*	\$294,816**
NPS	\$362,166	\$35,903	\$320,723***
CDFG	\$93,100	\$19,019	\$74,081
SLC	\$29,980	\$14,903	\$15,077
CDPR	\$15,920	\$10,200	\$5,720
DOI	\$12,184	Included in FWS	\$12,184
Totals	\$1,910,788	\$672,517	\$1,287,094

- *This total reflects estimated FWS funds remaining from both the 2003 and 2004 budget years.
- **This total reflects the total amount needed by FWS for additional contract work for 2005. The 2003 Estimated Funds Remaining total can only be applied to FWS labor costs and not additional contract work. The FWS does not need any additional funds to cover labor costs for 2005.
- ***This total reflects the total amount needed by NPS for additional contract work and travel/support needs for 2005.